ASSEMBLY, No. 3204

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS

Provides certain health care benefits to surviving dependents of accidental disability retiree who participated in 9/11 WTC rescue, recovery, or cleanup operations; clarifies eligibility criteria for recalculation of retirement allowance for such participation.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning health care and retirement benefits for certain members of the Police and Firemen's Retirement System, the State Police Retirement System, and the Public Employees' Retirement System and their survivors, and amending P.L.1944, c.255, P.L.1965, c.89, and P.L.1954, c.84.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to read as follows:

7. a. (1) Upon the written application by a member in service, by one acting in his behalf or by his employer any member may be retired on an accidental disability retirement allowance; provided, that the medical board, after a medical examination of such member, shall certify that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties and that such disability was not the result of the member's willful negligence and that such member is mentally or physically incapacitated for the performance of his usual duty and of any other available duty in the department which his employer is willing to assign to him. The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to other circumstances beyond the control of the member.

(2) Upon retirement for accidental disability, a member shall receive an accidental disability retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(b) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 2/3 of the member's actual annual compensation for which contributions were being made at the time of the occurrence of the accident or at the time of the member's retirement, whichever provides the largest possible benefit to the member.

(3) Upon receipt of proper proofs of the death of a member who has retired on accidental disability retirement allowance, there shall be paid to such member's beneficiary, an amount equal to 3 1/2 times the compensation upon which contributions by the member to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

the annuity savings fund were based in the last year of creditable service; provided, however, that if such death shall occur after the member shall have attained 55 years of age the amount payable shall equal 1/2 of such compensation instead of 3 1/2 times such compensation.

(4) Permanent and total disability resulting from a cardiovascular, pulmonary or musculoskeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

b. (1) For purposes of this subsection:

"Qualifying condition or impairment of health" includes:

diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions;

diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic;

diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure;

diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;

diseases of the skin such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure; and

new onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease and chronic psychological disease.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

(2) Notwithstanding any provision of subsection a. of this section or any other law to the contrary, for a member who participated, whether or not under orders or instruction by an employer to so participate, in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, permanent and total disability resulting from a qualifying condition or impairment of health shall be presumed to have occurred during and as a result

of the performance of the member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence.

A member who did not participate in such operations for a minimum of eight hours shall be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours; and

the documented physical injury that resulted in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours is the qualifying condition or impairment of health for which the member seeks a presumption under this subsection.

In order to be eligible for the presumption provided under this subsection, a member shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the permanent and total disability.

(3) A member who participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours and [subsequently retired on a service retirement or an ordinary disability retirement and] thereafter incurred a disability caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations shall be eligible to apply to the board of trustees to have the retiree's service retirement or ordinary disability retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the date of the application, provided the retiree filed an application for such recalculation within 30 days of the date that the retiree knew or should have known of the existence of such disability and its relation to the rescue, recovery, or cleanup operations, or within two years of the effective date of P.L.2019, c.157, whichever occurs later. In order to be eligible for such recalculation, the retiree shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

(4) The board of trustees shall promulgate rules and regulations necessary to implement the provisions of this subsection and shall

notify members and retirants in the retirement system of the enactment of this act, P.L.2019, c.157, within 30 days of enactment.

A member or retiree shall not be eligible for the presumption or recalculation under this subsection unless within two years of the effective date of this act, P.L.2019, c.157, or within 30 days of becoming a member of the system, whichever occurs later, the member or retiree files a written and sworn statement with the retirement system on a form provided by the board of trustees thereof indicating the dates and locations of service.

(5) This subsection shall apply regardless of whether the member or retiree, who is otherwise eligible, was enrolled in the retirement system at the time of participation in World Trade Center rescue, recovery, or cleanup operations as specified herein.

(6) Upon the receipt of proper proofs of the death of a member who has retired on an accidental disability retirement allowance pursuant to this subsection, and whose death was caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations, the State shall pay to the member's employer-sponsored health insurance program, or to the widow or widower in the case of coverage under Part B of the federal Medicare program, the premium or periodic charges for health benefits coverage of the retiree's surviving widow or widower and dependent children. A surviving widow or widower shall contribute, through the withholding of the contribution from the monthly retirement allowance, or by any other means determined by the Division of Pensions and Benefits, toward the cost of the health care benefits coverage in an amount that shall be determined in accordance with section 39 of P.L.2011, c.78 (C.52:14-17.28c), by using the percentage applicable to the range within which the annual retirement allowance received pursuant to this section, and any future cost of living adjustments thereto, falls. The amount payable by a widow or widower under this paragraph shall not be less than 1.5 percent of the monthly retirement allowance.

This paragraph shall not apply in the case of a dependent who is otherwise eligible for continuation of coverage, the cost of which is paid in full or in part by the employer, under section 7 of P.L.1964, c.125 (C.52:14-17.38), or under section 3 of P.L.1983, c.191 (C.40A:10-34.3), as determined under a binding collective negotiations agreement in effect at the time of the adoption of this act, P.L. , c. (pending before the Legislature as this bill).

(cf: P.L.2019, c.157, s.2)

2. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to read as follows:

10. a. Upon the written application by a member in service, by one acting in his behalf or by the State, any member may be retired,

not less than 1 month next following the date of filing such application, on an accidental disability retirement allowance, provided, that the medical board, after a medical examination of such member, shall certify that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties and that such disability was not the result of the member's willful negligence and that such member is mentally or physically incapacitated for the performance of his usual duties in the Division of State Police which the Superintendent of State Police is willing to assign to him. The application to accomplish such retirement must be filed within 5 years of the original traumatic event, but the board of trustees may consider an application filed after the 5-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the 5-year period due to a delayed manifestation of the disability or to the member's continued employment in a restricted capacity consistent with the nature of his disability in the Division of the State Police upon and at the written request of the superintendent, with the concurrence of the Attorney General, or to other circumstances beyond the control of the member.

b. Upon retirement for accidental disability, a member shall receive an accidental disability retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 2/3 of his final compensation.

c. Upon the receipt of proper proofs of the death of a member who has retired on an accidental disability retirement allowance, there shall be paid to the member's beneficiary, an amount equal to 3 1/2 times the final compensation received by the member in the last year of creditable service; provided, however, that if such death shall occur after the member shall have attained 55 years of age the amount payable shall equal 1/2 of such compensation instead of 3 1/2 times such compensation.

d. Permanent and total disability resulting from a cardiovascular, pulmonary or musculoskeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

e. (1) For purposes of this subsection:

"Qualifying condition or impairment of health" includes:

diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions;

diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic;

diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure;

diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;

diseases of the skin such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure; and

new onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease and chronic psychological disease.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

(2) Notwithstanding any provision of subsection a. of this section or any other law to the contrary, for a member who participated, whether or not under orders or instruction by an employer to so participate, in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, permanent and total disability resulting from a qualifying condition or impairment of health shall be presumed to have occurred during and as a result of the performance of the member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence.

A member who did not participate in such operations for a minimum of eight hours shall be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours; and

the documented physical injury that resulted in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours is the qualifying condition or impairment of health for which the member seeks a presumption under this subsection.

In order to be eligible for the presumption provided under this subsection, a member shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the permanent and total disability.

(3) A member who participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours and **[**subsequently retired on a service retirement or an ordinary disability retirement and**]** thereafter incurred a disability caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations shall be eligible to apply to the board of trustees to have the retiree's service retirement or ordinary disability retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the date of the application, provided the retiree filed an application for such recalculation within 30 days of the date that the retiree knew or should have known of the existence of such disability and its relation to the rescue, recovery, or cleanup operations, or within two years of the effective date of P.L.2019, c.157, whichever occurs later. In order to be eligible for such recalculation, the retiree shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

(4) The board of trustees shall promulgate rules and regulations necessary to implement the provisions of this subsection and shall notify members and retirants in the retirement system of the enactment of this act, P.L.2019, c.157, within 30 days of enactment.

A member or retiree shall not be eligible for the presumption or recalculation under this subsection unless within two years of the effective date of this act, P.L.2019, c.157, or within 30 days of becoming a member of the system, whichever occurs later, the member or retiree files a written and sworn statement with the retirement system on a form provided by the board of trustees thereof indicating the dates and locations of service.

(5) This subsection shall apply regardless of whether the member or retiree, who is otherwise eligible, was enrolled in the retirement system at the time of participation in World Trade Center rescue, recovery, or cleanup operations as specified herein.

(6) Upon the receipt of proper proofs of the death of a member who has retired on an accidental disability retirement allowance

pursuant to this subsection, and whose death was caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations, the State shall pay to the member's employer-sponsored health insurance program, or to the widow or widower in the case of coverage under Part B of the federal Medicare program, the premium or periodic charges for health benefits coverage of the retiree's surviving widow or widower and dependent children. A surviving widow or widower shall contribute, through the withholding of the contribution from the monthly retirement allowance, or by any other means determined by the Division of Pensions and Benefits, toward the cost of the health care benefits coverage in an amount that shall be determined in accordance with section 39 of P.L.2011, c.78 (C.52:14-17.28c), by using the percentage applicable to the range within which the annual retirement allowance received pursuant to this section, and any future cost of living adjustments thereto, falls. The amount payable by a widow or widower under this paragraph shall not be less than 1.5 percent of the monthly retirement allowance.

(cf: P.L.2019, c.157, s.3)

3. Section 43 of P.L.1954, c.84 (C.43:15A-43) is amended to read as follows:

43. a. A member who has not attained age 65 shall, upon the application of the head of the department in which he is employed or upon his own application or the application of one acting in his behalf, be retired by the board of trustees, if said employee is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, on an accidental disability allowance. A traumatic event occurring during voluntary performance of regular or assigned duties at a place of employment before or after required hours of employment which is not in violation of any valid work rule of the employer or otherwise prohibited by the employer shall be deemed as occurring during the performance of regular or assigned duties.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to circumstances beyond the control of the member.

Permanent and total disability resulting from a cardiovascular, pulmonary or musculo-skeletal condition which was not a direct

result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

Before consideration of the application by the board of trustees, the physician or physicians designated by the board shall have first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired, and the appointing authority shall have certified to the board that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence and that the member should be retired.

No person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.3 shall be eligible for retirement pursuant to this section.

b. (1) For purposes of this subsection:

"Qualifying condition or impairment of health" includes:

diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions;

diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic;

diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure;

diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions;

diseases of the skin such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure; and

new onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease and chronic psychological disease.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal

Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

(2) Notwithstanding any provision of subsection a. of this section or any other law to the contrary, for a member who participated, whether or not under orders or instruction by an employer to so participate, in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, permanent and total disability resulting from a qualifying condition or impairment of health shall be presumed to have occurred during and as a result of the performance of the member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence.

A member who did not participate in such operations for a minimum of eight hours shall be eligible for the presumption provided that:

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001;

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours; and

the documented physical injury that resulted in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours is the qualifying condition or impairment of health for which the member seeks a presumption under this subsection.

In order to be eligible for the presumption provided under this subsection, a member shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the permanent and total disability.

(3) A member who participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours and **[**subsequently retired on a service retirement or an ordinary disability retirement and**]** thereafter incurred a disability caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations shall be eligible to apply to the board of trustees to have the retiree's <u>service retirement or ordinary disability</u> retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the date of the application, provided the retiree filed an application for such recalculation within 30 days of the date that the retiree knew or should have known of the existence of such

disability and its relation to the rescue, recovery, or cleanup operations, or within two years of the effective date of P.L.2019, c.157, whichever occurs later. In order to be eligible for such recalculation, the retiree shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

(4) The board of trustees shall promulgate rules and regulations necessary to implement the provisions of this subsection and shall notify members and retirants in the retirement system of the enactment of this act, P.L.2019, c.157, within 30 days of enactment.

A member or retiree shall not be eligible for the presumption or recalculation under this subsection unless within two years of the effective date of this act, P.L.2019, c.157, or within 30 days of becoming a member of the system, whichever occurs later, the member or retiree files a written and sworn statement with the retirement system on a form provided by the board of trustees thereof indicating the dates and locations of service.

(5) This subsection shall apply only to: any member or retiree who is or was enrolled in the Public Employees' Retirement System because the member or retiree did not meet the age or medical requirements for enrollment in the Police and Firemen's Retirement System on the basis of the position held; and to any emergency medical technician who is a member or retiree of the Public Employees' Retirement System. For the purposes of this paragraph, "emergency medical technician" means a person trained in basic life support services as defined in section 1 of P.L.1985, c.351 (C.26:2K-21) and who is certified by the Department of Health to perform these services.

(6) This subsection shall apply regardless of whether the member or retiree, who is otherwise eligible, was enrolled in the retirement system at the time of participation in World Trade Center rescue, recovery, or cleanup operations as specified herein.

(7) Upon the receipt of proper proofs of the death of a member who has retired on an accidental disability retirement allowance pursuant to this subsection, and whose death was caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations, the State shall pay to the member’s employer-sponsored health insurance program, or to the widow or widower in the case of coverage under Part B of the federal Medicare program, the premium or periodic charges for health benefits coverage of the retiree’s surviving widow or widower and dependent children. A surviving widow or widower shall contribute, through the withholding of the contribution from the monthly retirement allowance, or by any other means determined by the Division of Pensions and Benefits, toward the cost of the health care benefits coverage in an amount that shall be

determined in accordance with section 39 of P.L.2011, c.78 (C.52:14-17.28c), by using the percentage applicable to the range within which the annual retirement allowance received pursuant to this section, and any future cost of living adjustments thereto, falls. The amount payable by a widow or widower under this paragraph shall not be less than 1.5 percent of the monthly retirement allowance.

This paragraph shall not apply in the case of a dependent who is otherwise eligible for continuation of coverage, the cost of which is paid in full or in part by the employer, under section 7 of P.L.1964, c.125 (C.52:14-17.38), or under section 3 of P.L.1983, c.191 (C.40A:10-34.3), as determined under a binding collective negotiations agreement in effect at the time of the adoption of this act, P.L. , c. (pending before the Legislature as this bill).

(cf: P.L.2019, c.157, s.4)

4. This act shall take effect immediately.

STATEMENT

This bill provides certain health care benefits to surviving dependents of an accidental disability retiree who participated in 9/11 World Trade Center rescue, recovery, or cleanup operations. The bill also clarifies the eligibility criteria for recalculating a retiree's pension if that person participated in rescue, recovery, or cleanup operations.

Under current law, the surviving spouse of a retiree of the State Police Retirement System (SPRS) may elect to continue receiving health coverage through the State Health Benefits Program (SHBP) as long as the spouse was covered by the retiree's health plan at the time of death. The surviving spouse is responsible for the cost of the coverage. The surviving spouse of a member of the Police and Firemen's Retirement System (PFRS) or the Public Employees' Retirement System (PERS) is only eligible for continued coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) for up to 36 months after the death of the retiree. This bill provides that a surviving spouse or dependent child of a member of the SPRS, PFRS, or PERS who was receiving an accidental disability retirement allowance based upon participation in World Trade Center rescue, recovery, or cleanup operations, and whose death resulted from a qualifying condition or impairment of health, is eligible for continued health care coverage. The bill also provides that the majority of the cost of the health care coverage would be covered by the State; the surviving spouse would be responsible to pay a percentage of the cost based upon the amount of retirement allowance the spouse is receiving. The bill would not apply to any surviving spouse or dependent child who is already

eligible for continued health care benefits pursuant to a collective bargaining agreement in effect on the date of enactment of the bill.

The bill also clarifies that a member who participated in World Trade Center rescue, recovery, or cleanup operations and who subsequently retired on a service retirement or ordinary disability retirement is eligible to have the retirement recalculated as an accidental disability retirement, regardless of whether the disability due to cleanup operations manifested prior or subsequent to the original retirement. The bill also provides that a retiree may apply for the recalculation within two years of the effective date of "The Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act," P.L.2019, c.157, July 8, 2019. After that time, a retiree must apply for the recalculation within 30 days of the date that the retiree knew or should have known of the existence of the disability and its relation to the rescue, recovery, or cleanup operations.

Finally, the bill clarifies that the benefits provided under this bill and under P.L.2019, c.157 apply to persons who become members of the SPRS, PFRS, or PERS later than two years after the effective date of P.L.2019, c.157. It provides that those members must file a written and sworn statement with the retirement system indicating the dates and locations of cleanup efforts within 30 days of becoming a member of the system.